

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Green Tree Servicing LLC v Sheldon M Futernick**  
Docket No. **274936**  
L.C. No. **04-434054-PD**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claims of cross appeal challenging the May 25, 2006 order and the August 30, 2006 judgment are DISMISSED for lack of jurisdiction since neither party claimed an appeal within 21 days of the entry of the August 2006 final order. MCR 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(a). The filing of the motion for case evaluation sanctions did not toll the time that the parties had to challenge the August 2006 final order. *Baitinger v Brisson*, 230 Mich App 112, 116; 583 NW2d 481 (1998). If the parties still want to challenge these orders, they must file a delayed application for leave to appeal. MCR 7.203(B)(5) and 7.205(F)(1).

The claim of appeal and the cross-appeal from the November 16, 2006 order regarding the case evaluation sanctions, however, may still go forward as this Court has an independent grant of jurisdiction to entertain the appeals from this order. MCR 7.202(6)(a)(iv), 7.203(A)(1), 7.204(A)(1)(a), and 7.207(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 14 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk